

REMARKS

Claims 1-15 are pending in this application. Claims 1-15 stand rejected. By this Amendment, claims 1, 2, and 6-8 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1-9 and 11-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended the claims in light of the Examiner's rejection. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 1, 2, 10, and 12-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,631,122 ("Arunachalam"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of Applicant's independent claims not present in Arunachalam is a service broker device of the functional host layer of said network

service management device restoring information on the operations management networks managed by the respective providers.

Arunachalam discloses a QoS agent and QoS manager. The QoS agent is interlinked with the QoS manager. In fact, Arunachalam teaches that the QoS agent and QoS manager are interchangeable and merged in a single unit. Additionally, the QoS agent, as disclosed in Arunachalam, fails to act as a service broker device at the functional host layer of said network service management as explicitly recited in Applicant's claim. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 3 and 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arunachalam.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Claims 5 and 6 include logic in which a service broker device of a domain decides whether a subject for executing a subsequent process is in an external system or an internal system in order to provide a quality assured service compatible with a multi-domain network.

However, Arunachalam fails to disclose or suggest such logic. Therefore, Arunachalam does not render Claims 5 and 6 obvious.

As discussed above, Arunachalam fails to disclose Applicant's explicitly recited service broker device at the functional host layer. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arunachalam in view of other pieces of art, namely, U.S. Patent No. 6,330,586 ("Yates"), U.S. Patent No. 6,516,350 ("Lumelsky"), or U.S. Patent No. 6,594,700 ("Graham"). Applicant respectfully requests reconsideration and withdrawal of these rejections.

The additional references were not included to teach the explicitly recited service broker device at the functional host layer of said network service to but teach additional limitations which, even if it were to show, do not cure the deficiencies in Arunachalam discussed above. As such, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arunachalam in view of U.S. Patent no. 6,594,700 ("Graham"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 8 and 9 are directed to the method of providing a quality assured service compatible with a multi-domain network which includes a service broker device for providing a broker function for a service agreement among operations management networks of the respective providers. Arunachalam fails to disclose or suggest a function of brokering domains.

Graham merely discloses brokering requests and responses of many different protocols to provide a plug and play function of the protocols (e.g., column 2, lines 22 to 27). Graham fails to disclose or suggest the method of providing a quality assured service compatible with a multi-domain network. Therefore, the combination of Arunachalam and Graham does not disclose the claimed invention as recited in Claims 8 and 9 obvious.

Further, the arguments with respect to Claims 1 and 10 are equally applicable to Claims 8 and 9. Graham is merely cited in relation to the service registration step recited in Claim 8. Like Arunachalam, Graham fails to disclose or suggest the service broker device of the functional host layer of the network service management device storing information on the operations management networks managed by the respective providers. Therefore, a combination of Arunachalam and Graham does not render the invention as recited in Claims 8 and 9 obvious.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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